

Vikrant Sood VS. Ram Kumari and Ors.

Civil Revision No.86 of 2015

23.12.2025 Present:

Mr. Anuj Gupta and Mr. Rohit Sharma Advocates, for the petitioner.

Name of respondent No.1 is ordered to be deleted vide order dated 13.10.2025.

Mr. Deepak Gupta, Advocate, for respondents No.2 to 4.

None for respondents No.5 and 6.

Respondent No.7 is proceeded against ex parte.

CMP No. 23352 of 2024

It is contended by the non-applicant that the present application, in the case at hand, is not maintainable on account of acquisition of the rights of some of the co-owner landlords by the tenant, i.e. the non-applicant, resulting in extinguishment of the tenancy by merger.

In this context, the attention of this Court has been drawn to the judgment of the Hon'ble Apex Court in ***Jagdish Dutt and another vs. Dharam Pal and others, reported as (1999) 3 SCC 644.***

Heard counsel for the parties.

The issue of extinguishment of tenancy by merger on account of acquisition of the rights of some of the co-owner landlords by the tenant came up for consideration before the Hon'ble Apex Court in the case reported as ***(2005) 5 SCC 492, titled Pramod Kumar Jaiswal and others vs. Bibi Husn Bano and others.*** The judgment, whereupon reliance has been placed by the present non-applicant/tenant, i.e. *Jagdish*

Dutt's case (supra), was also considered by the Hon'ble Apex Court in *Pramod Kumar Jaiswal's* case. After placing reliance on ***T. Lakshmipathi and others vs. P. Nithyananda Reddy and others, reported as (2003) 5 SCC 150***, the Hon'ble Apex Court held that where a tenant acquires only a partial ownership interest therein, the tenancy cannot be said to have been determined by merger, as the interests of the lessee and that of the owner do not coalesce in full.

A similar view expressed by the Hon'ble Apex Court in ***India Umbrella Manufacturing Co. and others vs. Bhagabandel Agarwalla (dead) by LRs Savitri Agarwalla and others, reported as (2004) 3 SCC 178***, was also held to state the correct position of law.

In view thereof, there is no merit in the submissions of the learned counsel appearing on behalf of the non-applicant/tenant to the extent that the application filed for use and occupation charges is not maintainable against the present non-applicant/tenant after the non-applicant/tenant has acquired partial ownership rights in the suit property.

List for consideration alongwith the main matter.

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As jointly prayed, list on **29th December, 2025**.

(Bipin C. Negi)
Judge

23rd December, 2025
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